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Submitted electronically via <http://apps.fcc.gov/ecfs/>

Commission Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; WT Docket No. 17-79; FCC 17-38

To Whom It May Concern:

On behalf of nearly 1.2 million members and supporters nationwide, please accept these comments from Defenders of Wildlife on the Federal Communications Commission's (FCC) proposed rule on "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment." Defenders of Wildlife is a biodiversity conservation organization dedicated to protecting wildlife and habitats, including federal trust species protected under the Migratory Bird Treaty Act (MBTA) and the Endangered Species Act (ESA), as well as other sensitive fish, wildlife and plants. Defenders also strongly supports thorough and robust public review processes under the National Environmental Policy Act (NEPA) that help ensure that environmental effects, including but not limited to those on ESA- and MBTA-protected species, are properly understood, mitigated, and considered in federal decision-making.

We are concerned with the proposed rule's intention of "Reexamining National Historic Preservation Act and National Environmental Policy Act Review" (Section B) and solicitation of "comment on ways to improve and further streamline its environmental compliance regulations," such as through expanded use of categorical exclusions under the NEPA (paragraph 44). Defenders of Wildlife maintains that robust environmental review and public comment are essential to ensuring that siting, construction and operation of facilities, including communications infrastructure, does not pose an undue risk to wildlife and habitat. We are particularly concerned that the proposed rule fails to even mention either the MBTA or the ESA, and the supporting docket information contains only a single reference to listed species and none to migratory birds. It is our position that placement and construction of communication towers should continue to comply with NEPA, ESA, and the MBTA; we do not support exempting these projects from these federal planning and conservation requirements.

The proposed rule has the potential to eliminate the FCC's existing requirement to consider environmental impacts in tower development. Without NEPA, the public is deprived of its opportunity to comment on proposed tower locations, or to request that the environmental risks those towers pose to migratory birds or species of conservation concern be minimized.

We are strongly opposed to any new rulemaking that would weaken agency recommendations regarding the use of bird-safe lighting. We have made substantial progress in the effort to update lighting on tall towers to reduce mortality of migratory birds.

Each year, approximately seven million birds collide with communication towers in North America. These collisions are primarily caused by steady-burning lights used to warn aircraft of a tower's presence. Unfortunately, these lights also attract and disorient birds during the night, when many songbirds migrate. Some are threatened or endangered species.

New policies adopted by the FCC and Federal Aviation Administration (FAA) encourage tower operators to adopt modern, bird-friendly, energy-saving lighting systems. A simple switch to flashing red or white lights saves birds and electricity, and still alerts aircraft pilots to the towers' presence. As of September 28, 2016, the FAA no longer permits red non-flashing lights on any new tower above 150 feet and is actively encouraging owners of existing towers to extinguish non-flashing lights on all towers as soon as possible.

By the end of 2016, 723 tall towers nationwide (about five percent of the total) have already updated their lighting systems under the new guidelines. Making the switch reduces bird collisions by approximately 70 percent, and in the process saves energy and reduces operating costs.

For the last 43 years the FCC has considered construction of communication towers to be subject to NEPA. In 1974, that the FCC stated that "Federal environmental laws require the Commission, as a licensing agency to consider independently the effects of its actions on the environment." The FCC also stated that "it seems to us clear [that] there are major actions taken by the Commission which can have significant environmental effect."

Currently, towers 450 feet and taller require an Environmental Assessment to assess the potential impacts to migratory birds, as required by NEPA. We support continuing this process for migratory birds and request that the threshold height be changed from 450 feet to 350 feet, which research has found to be the height where bird mortality from towers begins to greatly increase.

Similarly, constructing and operating communications towers are subject to requirements in the ESA. Operators should avoid siting towers in critical habitat for threatened and endangered species. Development plans should also consider potential effects on candidate species for listing under the act.

Upland bird species, including greater sage-grouse, Gunnison sage-grouse, the bi-state Distinct Population Segment of greater sage-grouse, the Columbia Basin Distinct Population Segment of greater sage-grouse, and lesser prairie-chicken should be given special consideration in siting towers, as these species are known to avoid tall structures over time. Priority habitats for grouse and prairie-

chickens should be excluded from new tower development, and these areas should be buffered by as much as four miles to avoid the impacts on these birds.

Thank you for this opportunity to comment, and for ensuring that development and operation of communications towers avoids impacts on birds and other wildlife.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark N. Salvo', with a stylized, cursive script.

Mark N. Salvo
Vice President, Landscape Conservation